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DATE 9/20/11 **UNITED STATES DISTRICT COURT**
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

AMY KIRKLAND

CIVIL ACTION NO. 10-1392

VERSUS

JUDGE ROBERT G. JAMES

BIG LOTS STORES, INC.


MAG. JUDGE JAMES D. KIRK

RULING

On August 18, 2011, this Court received Magistrate Judge James D. Kirk's Report and Recommendation [Doc. No. 23] and subsequently received Plaintiff's Objection [Doc. No. 24] and Defendant's Reply [Doc. No. 27].

After reviewing the record, the Court agrees with and adopts Magistrate Judge Kirk's Report and Recommendation with one exception. Magistrate Judge Kirk recommends that the Court dismiss Plaintiff's claim for sexual discrimination **with** prejudice. However, the Louisiana Commission on Human Rights is still investigating her charge of discrimination and no Right to Sue letter has issued [Doc. No. 24, p. 5]. Therefore, Plaintiff's claim for sexual discrimination is premature and will be dismissed **without** prejudice.

MONROE, LOUISIANA, this the 20 day of September, 2011.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE